IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TWENTY SEVENTH DAY OF DECEMBER
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE V.ESWARAIAH

WRIT PETITION No. 27572 of 2005

Between:

M.Sivaram

..... PETITIONER

AND

The District Collector, Kurnool District,

Kurnool and 2 others

.....RESPONDENTS

ORDER:

Seeking a Mandamus, declaring the action of the respondents in making attempts to form a channel and to open a sluice point through the land of the petitioner bearing Survey No.354/1 of Bukkapuram village, Mahanandi Mandal, Kurnool District, without following the due process of law, as illegal and arbitrary, the present writ petition is filed.

Heard the learned counsel for the petitioner and the learned Government Pleader for Irrigation.

The petitioner submits that he is the owner of the land to an extent of Ac.1.00 situated in Survey No.354/1 of Bukkapuram village, Mahanandi Mandal, Kurnool District. While so, the respondents are making attempts to form a channel and to open a sluice point through the land of the petitioner without acquiring the said land and without paying any compensation. If the land of the petitioner is required for any public purpose, the respondents have to follow the due procedure prescribed in law. Without following the due procedure under Land Acquisition Act or by making private negotiations, the respondents cannot acquire the land of the petitioner.

Having regard to the facts and circumstances of the case, the respondents are directed not to dispossess the petitioner from the land in question except by following due procedure prescribed in law.

With the above observations, the Writ Petition is disposed of. No order as to costs.

_____

V.ESWARAIAH,J

Dated: 27.12.2005

Dsr